

ENTERED

August 16, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**eFINANZAS, S.A.S.,
Plaintiff,

v.

DISHA ROY, ET AL.,
Defendants.§
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CIVIL ACTION No. 4:22-CV-0911

MEMORANDUM AND RECOMMENDATION

Plaintiff eFinanzas, S.A.S., a Colombian corporation that trades in cryptocurrency, filed this case back in March 2022 against Brandon Jonathan Roy, Disha Roy, Roy & Associates, PLLC, and several other defendants that since have been dismissed. ECF 1. After delays due to problems completing service and significant motion practice, the case was set for a May 10, 2024 docket call. ECF 97.

Plaintiff moved for a continuance on April 16, 2024 because “the Government of Colombia, through an agency known as the Superintendencia de Sociedades (<https://www.supersociedades.gov.co/>), has placed Plaintiff, eFinanzas, S.A.S., in receivership, thus effectuating a change in control of Plaintiff as a legal entity,” and calling into question counsel’s ability to continue to prosecute this case. ECF 99.

After a hearing on April 25, 2024, the Court granted the continuance and encouraged the parties to mediate their dispute. 04/25/24 Minute Entry; ECF 102.

On July 3, 2024, Plaintiff's counsel filed a Motion to Withdraw. ECF 103. On July 9, 2024, the Court granted the Motion to Withdraw, vacated the docket call, and ordered Plaintiff to file an appearance of counsel because corporate entities cannot appear in federal court unless represented by a licensed attorney. ECF 104. Further, the Court ordered Plaintiff to show cause by August 12, 2024 why this case should not be dismissed without prejudice for failure to prosecute. *Id.* Plaintiff was cautioned that failure to comply would result in a recommendation that this case be dismissed without prejudice for failure to prosecute. *Id.*

Plaintiff did not comply with the July 9, 2024 Order. Therefore, the Court RECOMMENDS that pursuant to Federal Rule of Civil Procedure 41(b) this case be dismissed without prejudice for failure to prosecute.

The Clerk of the Court shall send copies of the memorandum and recommendation to the respective parties, who will then have fourteen days to file written objections, pursuant to 28 U.S.C. § 636(b)(1)(C). Failure to file written objections within the time period provided will bar an aggrieved party from attacking the factual findings and legal conclusions on appeal. *Douglass v. United Servs. Auto.*

Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), superseded by statute on other grounds.

Signed on August 16, 2024, at Houston, Texas.


Christina A. Bryan
United States Magistrate Judge